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INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Application Number	Unassigned
				Filing Date	April 20, 2004
				First Named Inventor	Michael B. ZEMEL et al.
				Group Art Unit	Unassigned
				Examiner Name	Unassigned
				Attorney Docket Number	31894-202098
Sheet	1	of	5		

U.S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

Examiner Signature		Date Considered	11/05
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J	A10	BÖRJESON, M. [1976] "The aetiology of Obesity in Children, " <i>Acta Paediatr Scan</i> 65:279-87	
	A11	CARPER, JEAN [2000] "Amazing Food Facts That Astound the Experts, " <i>USA Weekend</i> , Aug. 18-20, 2000, p. 4	
	A12	CNN, "Zemel Weight Loss Story, March 30, 2000; and NATIONAL DAIRY COUNCIL, "Diary Foods May Help Control Weight Gain, " June 9, 2000, videotape	
	A13	COLINO, S., "Advanced Calcium, Lose Weight, avoid PMS and ward off cancer, all with one basic nutritional element, " <i>Women's Sports & Fitness</i> , March 2000, page 56	
	A14	DAVIS, J.; "Weight-Loss Tip: Add Extra Calcium to a Low-Fat Diet, Low-Fat Diary Products May Help Weight Loss, Control," <i>WebMDHealth</i> , April 17, 2000 (printed from website), Publisher: 2000 Healtheon/WebMD	
	A15	FLEET, J.C. [1999] "Vitamin D. Receptors: Not Just in the Nucleus Anymore," <i>Nutrition Reviews</i> Vol. 57, No. 2, pp.60-2	
	A16	FLEURY, CHRISTOPHE, et al. [1997] "Unoupling Protein-2: a Novel Gene Linked to Obesity and Hyperinsulinemia," <i>Nature Genetics</i> 15:269-72	
	A17	Gimeno, R. et al. [1997] "Cloning and Characterization of an Uncoupling Protein Homolog: A Potential Molecular Mediator of Human Thermogenesis," <i>Diabetes</i> 46:900-06	
	A18	JONES, BRYNN H., et al. [1997] "Angiotensin II Increase Lipogenesis in 3T3-L1 and Human Adipose Cells," <i>Endocrinology</i> , Vol. 138, No. 4, pp. 1512-19	
	A19	KIM, JUNG HAN et al. [1996] "The Effects of Calcium Channel Blockade on Agouti-Induced Obesity", <i>The FASEB Journal</i> 10:1646-52	
J	A20	LANGE, D., "The Calcium Diet", <i>Allure</i> , August 2000, page 84	

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J	A21	MASLOWSKA, M. et al. [1998] "Site Specific Binding of Acylation Stimulating Protein (ASP) in Human Adipose Tissue," Int. J. Obesity 22:S108 (PSO)	
	A22	McCarty, L., "Got Milk, Lose Weight?," Remedy Magazine, March/April 2000, page 11	
	A23	MOLL, P.P., et al. [1991] "The Genetic and Environmental Sources of Body Mass Index Variability: The Muscatine Ponderosity Family Study," Am. J. Hum. Genet. 49:1243-55	
	A24	MUNDELL, E.J., "Trying to Lose Weight? Calcium May Help", Reuters health report, April 17, 2000, (printed from website), Publisher: Reuters Limited	
	A25	MYNATT, R.L., et al. [1997] "Combined Effects of Insulin Treatment and Adipose Tissue-Specific Agouti Expression on the Development of Obesity," Proc. Natl. Acad. Sci., USA 94:919-922	
	A26	NEMERE, I., et al. [1998] "Identification of a Membrane Receptor for 1, 25-Dihydroxyvitamin D ₃ Which Mediates Rapid Activation of Protein Kinase C," J. of Bone and Mineral Research 13:1353-59	
	A27	PANTALONE, M., "Hello Calcium, Goodbye Fat," UT Agriculture, Fall 2000, Pages 5-7	
	A28	RABKIN, R., "Calcium Promotes Weight Loss," Family Circle, October 3, 2000, page 98	
	A29	RALOFF, J., "Calcium May Become a Dieter's Best Friend," Science News, April 29, 2000, page 277, Vol.157	
	A30	SHI, HANG, et al. [1999] "Role of the Sulfonylurea Receptor in Regulating Human Adipocyte Metabolism," The FASEB Journal 13:1833-38	
J	A31	SHI, H. et al. [2000] "Effects of Dietary Calcium on Adipocyte Lipid Metabolism and Body Weight Regulation in Energy-Restricted Mice," FASEB J 14:555.3 (page A790)	

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				First Named Inventor	Michael B. ZEMEL et al.
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J	A32	SHI, H. et al. [2000] "1, 25-Dihydroxyvitamin D (1, 25-(OH) ₂ -D) Inhibits Uncoupling Protein 2 (UCP2) Expression in Human Adipocytes," <i>Obesity Research</i> 8(1):52S (O154)		
J	A33	SHI, H. et al. [2001] "Effects of Dietary calcium on Adipocyte Lipid Metabolism and Body Weight Regulation in Energy-Restricted aP2-agouti Transgenic Mice," <i>FASEB J</i> 15:291-3 and 10.1096/fj.00-0584fje		
J	A34	SHI, H. et al. [2001] "1a, 25-Dihydroxyvitamin D ₃ Modulates Human Adipocyte Metabolism via Nongenomic Action," <i>FASEB J</i> 15:835.6 (page A1091)		
	A35	SMITH, S., "Functional Foods...Potential New Functional Qualities of Dairy Foods," <i>NCC Newsletter</i> , 2001, pages 34-5, Vol. 3, issue 2; Publisher: Nutrition in Complementary Care		
	A36	SOBEL, R.K. [2000] "Catching the Fat Bug," <i>U.S. News & World Report</i> p. 64		
	A37	SUMMERBELL, C.D., et al. [1998] "Randomised Controlled Trial of Novel, Simple, and Well Supervised Weight Reducing Diets in Outpatients," <i>BMJ</i> 317:1487-89		
	A38	Unknown, "5-Step Fat-Blasting Diet," <i>Prevention Magazine</i> , June 2000, page 151		
	A39	Unknown, "Calcium and Weight-Loss," <i>Medizine</i> , Jan-Feb-Mar 2001, page 52		
	A40	ZEMEL, M. et al. [1999] "Calcium and Calcium-Rich Dairy Products Reduce Body Fat," <i>FASEB J</i> 12:LB211		
	A41	ZEMEL, M. et al. [1999] "Synergism between Diet-induced Hyperinsulinemia and Adipocyte-Specific Agouti Expression," <i>FASEB J</i> 13:660.3 (page A873)		
J	A42	ZEMEL, M., "Readers Want to Know," <i>Bottom Line/Health</i> , October 2000		

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Filing Date	April 20, 2004
First Named Inventor	Michael B. ZEMEL et al.
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Examiner Name	Unassigned
Attorney Docket Number	31894-202098

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J	A43	ZEMEL, M. et al. [2001] "Effects of Calcium-Fortified Breakfast Cereal on Adiposity in a Transgenic Mouse Model of Obesity," FASEB J 15:480.7 (page A598)	
	A44	ZEMEL, M. B. et al. [2000] "Regulation of Adiposity by Dietary Calcium," The FASEB Journal, Vol. 14, No. 9, pp. 1132-7	
	A45	ZEMEL, P. et al. [2000] "Increasing Dietary Calcium and Dairy Product Consumption Reduces the Relative Risk of Obesity in Humans," Obesity Research 8(1):118 (HT-04)	
	A46	SANWA KAGAKU KENKYUSHO CO, "Stabilised Oligo Peptide Composition for Sleep-Improving Drug Containing Oligo-Peptide and Bovine Bone Powder as Calcium Salt, for Obesity Treatment, etc.," Database WPI, Section Ch, Week 199028, Derwent Publications Ltd., London, GB; Class B04, AN 1990-214417, XP002206900 & JP 02 145525 A, June 5, 1990 - abstract	
	A47	MEIJI SEIKA KAISHA, "Food Compound for Overweight Clients - Obtained by Blending Water Soluble Dietary Fibers and Insoluble Calcium Compound in Acidic Conditions, e.g., Gastric Juice," Database WPI, Section Ch, Week 199211, Derwent Publication Ltd., London, GB; Class D13, AN 1992-083488, XP002206898 & JP 04 023968 A, January 28, 1992 - abstract	
	A48	MEIJI SEIKA KAISHA, "Diet or Diabetic Food - Contains Water-Soluble Food Fiber, Preferably Arginic Acid (Salt), and Insoluble Calcium Compound," Database WPI, Section Ch, Week 199532, Derwent Publication Ltd., London, GB; Class B04, AN 1995-242723, XP002206899 & JP 07 147935 A, June 13, 1995 - abstract	
	A49	BOUILON, B. et al., "Structure-Function Relationships In the Vitamin D Endocrine System," Endocrine Rev. (1995) pp.200-57, Vol. 16	
	A50	NORMAN, A. W., "Receptor for 1 α ,25(OH) $_2$ -D $_3$: Past, Present, and Future," J. Bone. Miner. Res. (1998) pp. 1360-69, Vol. 13.	
J	A51	NORMAN, A., et al., "Demonstration That 1 β ,25-Dihydroxyvitamin D $_3$ Is An Antagonist Of The Nongenomic But Genomic Biological Response And Biological Profile Of The Three A-Ring Diastereomers Of 1 α ,25-Dihydroxyvitamin D $_3$," J. Biol.Chem (1993) pp. 20022-30, Vol.268.	

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**SUPPLEMENTAL INFORMATION
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Sheet

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of

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		Complete If Known	
Application Number		10/827,301-Conf. #2573	
Filing Date		April 20, 2004	
First Named Inventor		Michael B. Zemel	
Art Unit		1616	
Examiner Name		E. J. Webman	
Attorney Docket Number		31894-202099	

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

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J	BA	CN-1086384	05-11-1994	SONG MINGJIE		✓

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J	AA	US-6,384,088-B1	05-07-2002	Hinz	

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J	CA	Garrow, J.S., et al., "Inpatient-Outpatient Randomized Comparison of Cambridge Diet Versus Milk Diet in 17 Obese Women Over 24 Weeks," <i>International Journal of Obesity</i> , 13: 521-529 (1989).	
J	CB	McCarron, David A., et al., "Blood Pressure and Nutrient Intake in the United States," <i>Science</i> 224:1392-1398 (1984).	
	CC	Metz, J.A., et al., "Modification of Total Body Fat in Spontaneously Hypertensive Rats and Wistar-Kyoto Rats by Dietary Calcium and Sodium," <i>American Journal of Hypertension, Inc.</i> 1:58-60 (1988).	
	CD	Skinner, J., et al., "Does Dietary Calcium Have a Role in Body Fat Mass Accumulation in Young Children?," <i>Nutrition</i> , suppl no 34, pp 45S (1999).	
	CE	Summerbell, Carolyn D., et al., "Randomised Controlled Trial of Novel, Simple, and Well Supervised Weight Reducing Diets in Outpatients," <i>BMJ</i> 317:1487-1489 (1998).	
	CF	Teelegarden, D., et al., "Calcium Intake Relates to Change in Body Weight in Young Women," <i>The FASEB Journal</i> 13:A873, Abstracts Part II No. 660.4 (1999).	
J	CG	Zemel, Michael B., "Nutritional and Endocrine Modulation of Intracellular Calcium: Implications in Obesity, Insulin Resistance and Hypertension," <i>Molecular and Cellular Biochemistry</i> 188:129-136 (1998).	

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